

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THOMAS SIERRA,)	
)	
Plaintiff)	
)	Case No. 18-cv-3029
v.)	Hon. John Z. Lee
)	Magistrate M. David Weisman
REYNALDO GUEVARA, et. al.)	
)	
Defendants,)	
)	
)	

STATUS REPORT REGARDING MONELL DOCUMENT PRODUCTION

On December 3, 2019, the Court ordered Defendant City of Chicago (the “City”) to produce complaint register (CR) files for all detectives assigned to the Area 5 Detective Division of the Chicago Police Department where the complaint was initiated against one of the detectives assigned to the Area between 1991 and 1995. The Court further ordered the City to produce investigative files for homicides occurring between 1991 and 1995 in Area 5. The City filed a motion for reconsideration and clarification regarding the Court’s order pertaining to investigative files, which is now fully briefed. (Dkt. 156, 158). On December 19, the Court ordered the City to file the instant status report as to the scope and timing of the production outlined in the Court’s December 3, 2019 order. (Dkt. 155).

Complaint Register Files

CPD does not maintain CR files in such that they are easily searchable by the parameters set by the Court. Rather, to obtain the relevant CR files, the City first must determine who the detectives were assigned to Area 5 during 1991 and 1995. CPD does not maintain records of which detectives were assigned to Area 5 during that particular time frame electronically. For

that reason, CPD must gather that data from multiple sources to generate a list of the detectives, and because the data available to query is migrated from older systems, the list generated could possibly be incomplete or inaccurate due to potential data conversion errors or inaccuracies in previous systems. Nevertheless, CPD can generate the list of the detectives to its best approximation. Once the list of detectives is generated, the City will then request from CPD each of the detectives' complaint histories. From there, the City's counsel will review the histories and identify those CR files for which the complaint was initiated during 1991 and 1995, and request those specific files.

As this Court is aware, the City was ordered to produce CR files for Area 5 detectives from 1995 to 1998 timeframe in the consolidated cases of *Solache v. Guevara*, et al. and *Reyes v. Guevara*, et al. Those cases provide for the time frame of production of CR files here. In *Solache* and *Reyes*, it took the City approximately ten days to determine that there were approximately 199 detectives assigned to Area 5 during the relevant time period. It then took approximately five weeks for CPD to provide the complaint histories to the City's counsel. Once received, the City reviewed the histories, which comprised of over 1600 pages, and generated the list of relevant CR files. From there, the City removed duplicate CR files from the list and cross-checked with the list of files the City's counsel already possesses in other related litigation. The City reached a total of 338 CRs to request. Now that the list of relevant CR files has been generated, the City estimates it will take approximately three months to scan, redact, and review the files for production.

There is one year of overlap in CR file production from the *Solache* and *Reyes* cases and this case. Accordingly, the City estimates it will take approximately five to six months to produce the CR files ordered in this case.

Investigative Files

To produce the relevant Area 5 homicide files from 1991 to 1995, the City first needs to determine the Records Division (RD) number for each of the homicides. The City will then determine, of those homicide cases, which homicide investigations are cleared/closed, meaning at least one person was charged and the case is no longer an open investigation. The City is working to make that determination but expects the number of files to be approximately 300 to 400 files. Once the list is generated, CPD estimates that it will take at least seven to ten business days to search for the requested files.

After the files are located,¹ CPD estimates that hand scanning each page of approximately 300 investigative files may take 450 hours. Investigative files do not simply contain standard 8½ x 11 sheets of paper. Rather, they contain documents from form sets that are thin pieces of paper, and they also often contain things like newspaper clippings or notes from note pads that do not feed easily into a scanner. While some files are smaller, and may take little time to scan, others may contain VHS tapes or other media that would prolong the time for copying. If it will take approximately 450 hours to produce 300 files, and if one person devotes their full workday to this project, it may take 13 weeks, or over three months, to complete. But it is unlikely that CPD personnel will have the opportunity to devote their full workday to this request. Once the files are scanned, the City will have to review them before production for any privileged information. It will take the City approximately eight weeks to review 300 files.

Accordingly, the City estimates approximately five months to produce the requested investigative files. In addition, it appears the Court's December 3 order also requires the City to produce the corresponding Records Division file for each of the homicide cases. Those files are

¹ There are occasions when, due to the passage of time, investigative files cannot be located.

often smaller, and they will be less burdensome to scan than investigative files, but the same personnel would be responsible for identifying and scanning those files, necessarily adding to the length of time required to produce all of the files Plaintiffs are seeking.

Dated: January 17, 2020

Respectfully submitted,

CITY OF CHICAGO

By: /s/ Eileen E. Rosen
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